

Council of the Isles of Scilly

Delegated Planning Report

Householder application

Application Number: P/21/068/HH

Received on: 11 August 2021

UPRN: 000192001476

Application Expiry date: 11 October 2021

Neighbour expiry date: 9th September

Consultation expiry date: 9th September

Site notice posted: 19 August 2021

Site notice expiry: 9 September 2021

Applicant: Miss Hannah Barclay

Site Address: 6 Bay View Terrace
Telegraph Road
Porth Mellon
St Mary's
Isles of Scilly
TR21 0NE

Proposal: Re-build first floor extension, replace windows and doors and alterations and improvements.

Application Type: Householder

Recommendation: PER

Summary Conditions/Reasons:

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Hours of Construction
4. No external illumination
5. No other extensions
6. Biodiversity enhancement

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Cllr Dan Marcus

Date: 06/10/2021

Site Description and Proposed Development

This is an application for a domestic extension which replaces an existing smaller extension, making it slightly wider in addition to replacing doors and windows on the property with upvc alternatives. The property is located on the east side of Hugh Town at Porthmellon towards the north coast at Porthmellon beach. Number 6 is a white rendered end-terraced property over two floors of accommodation. To the front a vehicular access which separates the front garden from the dwelling. To the rear of the property is a relatively modest private rear yard with a rear vehicular access beyond.

Bay View Terraced is a relatively old row of properties, appearing on Ordnance Survey Maps of St Mary's in 1908 (whereas it is not shown as built at the time of the 1890 OS map) and as such it would appear that the row was constructed at some point during the turn of the century on the site of an old quarry and immediately to the south of Harry's Walls. The certificate of lawful use granted in July 2021 confirmed the lawful use is a single dwelling, with a self-contained holiday let operating from the first floor, ancillary to the occupation of the ground floor accommodation. No evidence was provided as to the separate or long term occupation of this flat separate, in terms of split sewage bills, water supply or other utilities. There is an earlier certificate of lawful use for a chalet at the rear of the property, which confirms a separate residential use to that unit.

Certificate: A

Consultations and Publicity

The application has had a site notice on display for 21 days (19/08/2021 – 09/09/2021). The application appeared on the weekly list on 23rd August 2021. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- The Annexe, 5 Bay View Terrace
- 6B Bay View Terrace
- Chalet, 6 Bay View Terrace
- 7 Bay View Terrace
- 5 Bay View Terrace

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

Relevant Planning History:

Ref	Description	Decision	Date Determined
P/21/031/CLE	Application for a Certificate of Lawful Use of the dwelling (Use Class C3) as two separate dwellings flats. APPROVED AS: Use of the dwelling (Use Class C3) as a single dwelling with an ancillary and self-contained short-let holiday accommodation use at first floor.	Split	15/07/2021
P/19/015/CLE	Application for a Certificate of Lawful Use of the building as a dwelling house (Use Class C3).	Granted	21/06/2019

Constraints:

Historic Landscape Character Multiple (Spatial)

Listed Building: No

Scheduled Monument: No

Archaeological Constraint Area: NO

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	y
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	y
Is the parking and turning provision on site acceptable?	y
Would the proposal generally appear to be secondary or subservient to the main building?	y

Is the scale proposed in accordance with NDSS	y
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	No of Floors	No of Bedrooms	GIF	NDSS	Difference
Existing	2	4	125m ²	124m ²	<>
Proposed	2	4	130m ²	124m ²	+5%

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y
Is the proposal acceptable with regard to any significant change or intensification of use?	y

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	n/a
Within an Archaeological Constraint Area	n
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	n/a
Impact on protected trees Will this be acceptable Can impact be properly mitigated?	n/a
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	n/a
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	n/a
If sited within a Critical Flood Risk Area (low lying land below the 5m	n/a

datum) is the application accompanied by an acceptable Flood Risk Assessment?	
Are there external lights	n

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	y
Does the proposal include any demolition	y
Does the proposal include tree or hedge removal	n
Is an assessment of impact on protected species required	y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	y
Are biodiversity enhancement measures required	y
Is a condition required to provide biodiversity enhancement measures	y

Waste Management	YES OR NO
Does the proposal generate construction waste	y
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	n
Does the proposal include a Site Waste Management Plan	y
Is a condition required to secure a Site Waste Management Plan	n

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	n
Does the proposal include any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	n

Conclusion: The proposal results in a marginal increase in useable floorspace but does not give rise to any material planning harm. The proposal improves the visual appearance of the end of this terraced row which is considered to enhance the wider character of the conservation area and AONB.

Whilst the Design and Access Statement refers to the two floors as two flats, it is in fact recognised as a single dwelling with a self-contained flat to be used ancillary to the ground floor of the property, not as a separately occupiable unit that could be occupied independently.

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	✓
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
Policy OE4 Protecting Scilly's Dark Night Skies	✓
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	✓
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	

Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Tourism Development	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	y		No
Sustainable Design Measures	y		No
Biodiversity Enhancement Measures:			Y

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended Conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**

- Plan 1 Location Plan
- Plan 2 Block Plan
- Plan 3 Proposed Floor Plans
- Plan 4 Existing and Proposed East Elevation
- Plan 5 Existing and Proposed North Elevation
- Plan 5 Existing and Proposed South Elevation
- Preliminary Roost Assessment, dated 5th August 2021, Ref: 2021/01
- Design and Access Statement (Sustainable Design Measures and Site Waste Management)

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 of the Isles of Scilly Local Plan (2015 – 2030).


- C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further extensions to the single dwelling hereby permitted shall be erected, and no additional windows or other openings shall be installed within the building without the prior permission, in writing, of the Local Planning Authority.**

Reason: In the interests of protecting and retaining a domestic scale and character in keeping with the wider Conservation Area and to accord with Policies SS2 and OE1 of the Isles of Scilly Local Plan (2015 – 2030).

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**
Reason: To protect the amenities of the locality, including those of neighbouring residential properties and to protect this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).
- C5 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**
Reason: In the interests of protecting the residential amenities of neighbouring properties.
- C6 Prior to the first occupation of the dwelling, hereby approved, details of measures to promote biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority, this shall include details of any new landscaping, where required, to comprise native species from sustainable sources and the installation of bat boxes and bird nesting opportunities appropriate to species found on the Isles of Scilly. Local guidance from the Isles of Scilly Wildlife Trust could be sought to inform the type, number and positioning of suitable bat and bird boxes. The measures approved shall be installed, prior to the first breeding/nesting season following completion of the development and shall be retained as such thereafter.**
Reason: To promote measures to improve and awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

Further Information

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 the National Planning Policy Framework 2019.
2. The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately and advice sought from licensed bat wardens. Call The Bat Conservation Trust's National Bat Helpline on 0845 1300 228 or Natural England (01872 245045) for advice.

Print Name:	Lisa Walton	15/10/2021
Job Title:	Chief Planning Officer	
Signed:		

<i>Authorised Officer with Delegated Authority to determine Planning Applications</i>
